Filed

THE NEW ORLEANS WATER WORKS COMPANY

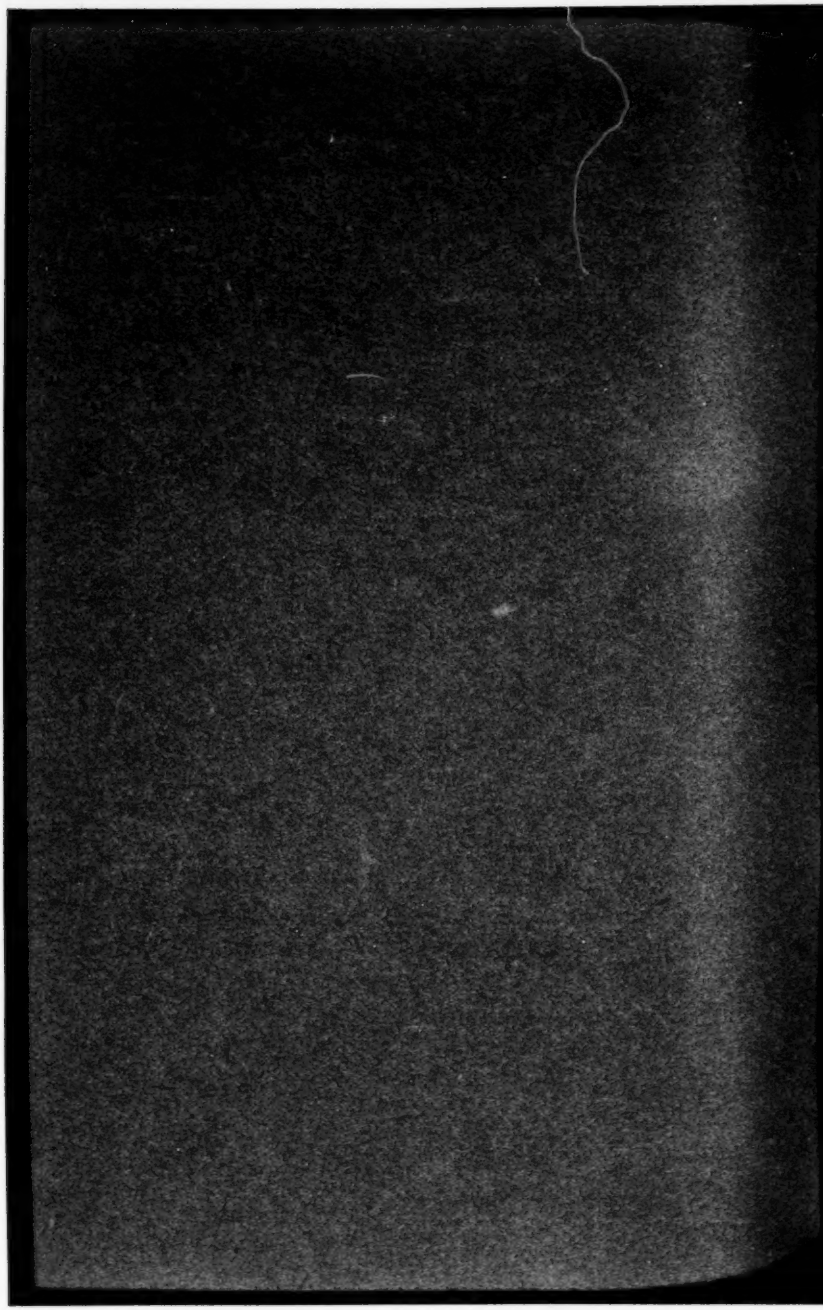
vs.

THE STATE OF LOUISIANA, THE CITY OF NEW ORLEANS, AND THE BOARD OF LIQUIDATION OF THE CITY DEBT.

REPLY OF [illegible] TO THE ANSWER OF THE STATE OF LOUISIANA, THE CITY OF NEW ORLEANS AND THE BOARD OF LIQUIDATION OF THE CITY DEBT.

Benjamin Harr Forman,
Counsel for Defendants in Error,
The State of Louisiana and The City of New Orleans.

(18,443 and 18,444.)



Supreme Court of the United States.

OCTOBER TERM, 1901.

Nos. 590 and 591.

NEW ORLEANS WATER WORKS COMPANY,
PLAINTIFF IN ERROR,

vs.

THE STATE OF LOUISIANA ET ALS., DEFENDANTS IN ERROR.

Reply of Defendants in Error to Plaintiff in Error's Motion to Refuse to Consider the Motions to Dismiss or Affirm or to Grant Time to Print Record and File Briefs.

A reasonable, short delay to file briefs on the motions to dismiss or affirm would not be resisted by defendants in error. Defendants in error submit that it can-

not delay or defeat the motion by docketing its cause under another number when there is but one cause here for review, nor by needlessly bringing up here over 1,600 pages of evidence which will cost *$3,750* to print (and which plaintiff has not paid), and which this court is precluded by the constitution from considering. It will not and cannot resolve itself into a jury to examine and consider this 1,600 pages of testimony and other evidence. The enormous transcript brought here by plaintiff in error (needlessly containing 1,600 pages of testimony and other evidence) does not contain the charter of the water works company, nor does it contain any bill of exceptions raising a Federal question.

Defendants in error have printed all that is necessary for the court to pass upon the motions to dismiss or affirm, and defendants in error are at liberty to print in their briefs, or otherwise, only so much of the record as they think will cause this court to deny the motion.

In Louisiana the supreme court sits as a jury and passes upon the evidence as introduced in the trial court. The sole function of a writ of error here is to correct any errors of law (involving a Federal question) committed by the supreme court of Louisiana. At the solicitation of plaintiff in error, counsel for the State of Louisiana signed a stipulation, found at page *1629* of the transcript, that "all the evidence oral and documentary may be omitted from the transcript" to be brought here. We did this to expedite the cause, and because we knew that this court could not consider the evidence.

Now plaintiff in error brings up over 1,600 pages of evidence and asks the court to delay action on the motions to dismiss or affirm until this mass be printed and they write a brief discussing it.

Respectfully submitted.

BENJAMIN RICE FORMAN,
Counsel for State of Louisiana and City of New Orleans, Defendants in Error.